

REMARKS

Claims 1-16 remain in this application. There are no claim amendments. The applicants respectfully request reconsideration of the application in light of the following remarks.

Claims 1-16 were rejected under 35 U.S.C. § 103(a) in view of U.S. 5,884,270 to Walker et al. (“Walker”) in further view of U.S. 5,748,738 to Bisbee et al. (“Bisbee”). For at least the following reasons, the applicants respectfully submit that the claims are allowable over Walker and Bisbee.

This application is a continuation of U.S. Patent Application No. 09/472,080 (the “parent application”). The applicants note that Walker was addressed extensively during prosecution of the parent application, and it should be clear that Walker does not teach or otherwise suggest elements (a) and (b) of claim 1 as suggested by the Examiner.

As mentioned during prosecution of the parent application (for example, in the applicants’ response dated November 17, 2003), Walker involves a prospective employer initiating a background check of a prospective candidate. In Walker, a system facilitates anonymous communications between job candidates and prospective employers. An employer (called the “requestor”) is enabled to communicate with a job candidate (called the “party”) whose background satisfies the employer’s criteria, without requiring the employer to reveal its identity or the candidate to reveal his or her own identity. (See col. 6, lines 19-23). Walker does not provide a method for the candidate to provide verified personal background data to an outside user, does not establish a data record relating to the candidate’s personal background data that is associated with a unique identifier and includes a set of potentially verifiable components and a corresponding set of query results, does not communicate a unique identifier to the candidate identifying such a data record, and does not permit access to such a data record by a person providing such a unique identifier, as in the presently claimed invention.

Unlike embodiments of the presently claimed invention, Walker does not enable the job candidate to present an employer directly with a key (such as applicants’ “unique identifier”) that gives direct access to personal background data that have been verified. Instead, the employer must first register with Walker’s central controller, and then make a request to have the candidate’s personal background data verified. (See col. 17, line 63 through col. 18, line 28).

Thus, as with other prior art verification techniques, an employer who wishes to verify a candidate's background must itself initiate the verification process.

It is important to note that at no point does Walker provide the job candidate with a unique identifier that gives access to the candidate's verified personal background data. The passage at col. 17, line 63 through col. 18, line 28 actually involves the employer making a request to a central controller to have the candidate's data verified. Once the data is verified, the central controller only sends the employer an indication of the status (i.e. the result) of the request. (See col. 18, lines 17-22). It does not send the employer, or the candidate, an identifier that will subsequently allow the candidate to distribute access to the candidate's verified data to outside users such as other potential employers.

The passages of Walker from col. 16, lines 60 through col. 17, line 50 likewise do not involve communicating to the job candidate an identifier that gives access to the candidate's personal background data. In these passages, a technique is described by which a job candidate can avoid inadvertently releasing his résumé to his own current employer. To prevent this from occurring, the candidate is asked to issue a "permission certificate" before his data will be released to any employer. The permission certificate is not re-used: the candidate is asked to issue a different permission certificate every time that the candidate's résumé is released to a different employer. (See col. 17, lines 49-50, which state that the "central controller 200 cannot use the permission certificate for a different job description."). Thus, the permission certificate discussed at col. 16, line 60 through col. 17, line 50 of Walker differs from applicants' unique identifier in that (1) Walker's permission certificate is used to give permission to release an un-verified résumé to an employer, instead of to give access to verified data, and (2) Walker requires a different permission certificate for each different employer (see col. 17, lines 49-50).

Col. 17, lines 11-12 of Walker describe the use of an identifier for each different request to release a candidate's résumé to an employer, which helps ensure that each permission certificate is different for each employer. (See col. 17, lines 8-14). This "unique transaction ID" therefore functions in a similar and related way to the "permission certificate," and differs significantly from applicants' unique identifier. As with Walker's permission certificate, Walker's "unique transaction ID" does not give access to verified data, but is instead used to

give permission to release an un-verified résumé to an employer. Walker also uses a different “unique transaction ID” for each different employer (see col. 17, lines 11-14). Accordingly, the passages of Walker from col. 16, line 60 through col. 17, line 50 do not involve communicating to the candidate an identifier that gives access to the candidate’s verified personal background data.

The Examiner cited Bisbee as disclosing elements (c) and (d) of claim 1, which, in addition to elements (a) and (b), are not disclosed by Walker. Bisbee relates generally to signing an electronic document, which, like signing a paper document, proves the identity of the signer but does not authenticate the contents of the document. See, for example, Bisbee col. 2, line 64 to col. 3, line 2, which states that Bisbee’s invention “comprises the means to identify the originator of the electronic document.” In Bisbee, one presumably could create a false data record with falsified candidate information and falsified verification results, and include the false data record in a digitally signed electronic document capable of revealing any changes to the contents of the data record. However, this is quite different from providing verified candidate information in such a way that any unauthorized modifications to the verified candidate information can be revealed. With regard to element (c), Bisbee does not disclose receipt of an identifier that had been communicated to the candidate who supplied the set of components for the data record. With regard to element (d), Bisbee does not disclose distribution of an electronic document containing the data record specified in element (a), i.e., including both components provided by the candidate and query results verifying those components, and an electronic authentication of the data record. Thus, the applicants respectfully submit that Bisbee fails to teach or otherwise suggest elements (c) and (d) of claim 1 as suggested by the Examiner.

In any case, Bisbee fails to teach or otherwise suggest elements (a) and (b) of claim 1 and so the combination of Walker and Bisbee clearly lacks all of the claim elements. Thus, the applicants respectfully submit that claim 1 is allowable over Walker and Bisbee both alone and in combination. Because a dependent claim is deemed to include all the limitations of its base claim and any intervening claims, dependent claims 2-15 are also allowable over the cited references. Independent claim 16 is a system counterpart of claim 1. For at least the reasons listed above with regard to claim 1, the applicants respectfully submit that claim 16 is allowable over Walker and Bisbee both alone and in combination.

Appl. No. 10/786,355
Amendment dated February 17, 2009
Reply to office action dated October 15, 2008

All pending claims are believed to be in a form suitable for allowance. Therefore, the application is believed to be in a condition for allowance. The applicants respectfully request early allowance of the application. The applicants request that the Examiner contact the undersigned, David E. Blau, if it will assist further examination of this application.

The applicant petition for a one month extension of time. In the event that a further extension is needed, this conditional petition of extension is hereby submitted. The applicants request that deposit account number 19-4972 be charged for any fees that may be required for the timely consideration of this application.

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Respectfully submitted,

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